

**REMARKS/ARGUMENTS**

After the foregoing Amendment, Claims 1-29 are currently pending in this application. Claims 1 - 29 have been amended. Applicant submits that no new matter has been introduced into the application by these amendments.

**Claim Rejections - 35 USC § 112**

Claim 11 was rejected in the Action under 35 U.S.C. § 112, second paragraph as being indefinite. The amendment to Claim 11 obviated the rejection under § 112. Accordingly, withdrawal of the §112 rejection is respectfully requested.

**Claim Rejections - 35 USC §103(a)**

Claims 1-9, 12-19, 22-26 and 29 were rejected under 35 § U.S.C. 103(a) as obvious over Leach (US Patent No. 2,961,119) in view of Mogard et al. (U.S. Patent No. 5,934,496). Applicant respectfully traverses the rejection.

The present invention, as claimed in independent claim 1, is a method for providing a hinged guarantee closure for a container, the closure including a cap having an integral closing member for closing cooperation with an opening in said container, and a ring member for connection to said container around the opening. The guarantee closure is injection moulded in the closed state, i.e., with a guarantee

seal. The closure is injection moulded in such a form that the moulded closure comprises the cap and the ring member, connected by a hinge element and at least one guarantee connection, axially spaced from each other. The hinge element is made in the periphery of the cap.

The present invention as claimed in independent claim 6 is a method for providing a hinged guarantee closure on a container opening, the closure including a cap having an integral closing member for closing cooperation with the container opening. The closure is injection moulded in the closed state, i.e., with a guarantee seal, and is injection moulded in such a form that the moulded closure includes the cap with the integral closing member and a ring member, hinge-connected and guarantee-connected to the cap, axially spaced relative to the cap. The hinge is located at a periphery of the cap, and the closure is made having a coupling part, and the container is provided with a coupling part that cooperates therewith.

The present invention as claimed in independent claim 12 is a hinged guarantee closure for an opening in a container. The closure includes a cap having an integral closing member for cooperation with the opening, and a ring member for connection to the container around the opening. The cap and ring member are connected by a hinge element and at least one guarantee connection. The hinge element is located at a periphery of the cap and the ring member is otherwise axially spaced relative to the cap.

The present invention as claimed in claim 23 is a container having a hinged guarantee closure for an opening in the container. The closure includes a cap having an integral closing member for cooperation with the opening, and a ring member for connection to the container around the opening. The guarantee closure is injection moulded and formed in the closed state, i.e., with a guarantee seal. The cap and ring member are connected by a hinge element and at least one guarantee connection. The hinge element is located at a periphery of the cap and the ring member is axially spaced relative to the cap and includes a coupling part. The container is provided with a coupling part for cooperation with the ring member coupling part.

In contrast to the present invention, the closure device in Leach relies upon use of threads for making a sealed connection. If the threads are removed, the closure will no longer be able to seal the bottle. Another disadvantage with Leach's solution, is that the design of the closure with threads, leads to a relatively large wall thickness of the upper part of the closure, with accompanying larger consumption of material and larger costs. Furthermore, the hinge 17 of the Leach reference is without resilience. The perhaps most relevant disadvantage with the closure device taught by Leach, is that due to the design of the closure, the closure must be moulded in an open condition, which leads to the need for a larger casting mould and consequently larger moulding machine.

The Examiner further cites Mogard et al. (US Patent No. 5,934,495), which describes a process for moulding a closure formed by injection moulding for the purpose of providing a simple and economical means of manufacturing said closure and hinge element comprising a spring structure wherein the cap is biased to either one of an open or closed position. Mogard fails to remedy the deficiencies of Leach. The only feature of this method that can be said to have any remote similarity with the present application, is that the hinge element can be biased to an open or closed position. There are differences between this method and the closure and method described in the present invention, that will prevent the skilled person in the art from combining Leach with Mogard. Firstly, the closure described in Mogard et al, is a closure for mounting on gable topped containers, where the bottom face of the closure is mounted on the container by means of an adhesive. Secondly, the closure in Mogard has to be moulded in an open condition, and will therefore possess the same drawbacks as described above regarding Leach. Mogard states in column 7, line 20: "Once the closure 30 is formed as shown in FIGS. 10, 13 and 14, it is folded over as illustrated in FIG. 11. This folding occurs subsequent to removal from a mold and also subsequent to at least partial cooling of the closure 30. As shown in FIG. 12, the cap 38 is completely folded over to engage with the spout 32."

Claims 10, 11, 20, 21, 27 and 28 were rejected in the Action under 35 U.S.C. § 103(a) as obvious over references as applied to claim 6 and further in view of

**Applicant:** Svein Myhre  
**Application No.:** 10/501,119

Marvin (US Patent No. 5,016,777). Further to the above comments, Marvin fails to remedy the deficiencies of Leach and Mogard. Claims 10 - 11; 20 - 21; and 27 - 28 depend, either directly or indirectly, from independent claims 6, 12, and 23, respectively, and are believed to be allowable for at least the reasons set forth above and should likewise be allowable.

Based on the arguments presented above, withdrawal of the U.S.C. § 103 rejections of claims 1-29 is respectfully requested.

### **Conclusion**

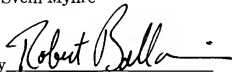
If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

**Applicant:** Svein Myhre  
**Application No.:** 10/501,119

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1-29, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Svein Myhre

By   
Robert J. Ballarini  
Registration No. 48,684

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17th Street  
Philadelphia, PA 19103  
Telephone: (215) 568-6400  
Facsimile: (215) 568-6499

RJB/srs